

Cover Letter to Commissioner for Patents

This Formal Reply to the Last OA includes:

1. The Substance of the Interview provided herein.
2. Implementations of Examiner recommendations from Interview & Last OA, provided in the attachments listed below:
 - The formal reply to the 2nd OA supplied as a clean copy "dspmsp-formal_repl2-remarks-09feb21" and as a marked-up copy "dspmsp-formal_repl2-remarks_marked-09feb21". Such marked-up copy shows an unofficial draft of response (faxed to the Examiner before the Interview) with amendments made on top of it in order to create such formal reply.
 - The marked copy of claims amendments "dspmsp-formal_repl2-clm_marked-09feb21.pdf".
 - The marked copy of specification amendments "dspmsp-formal_repl2-spec_marked-09feb21.pdf" and the clean copy of specification amendments "dspmsp-formal_repl2-spec-09feb21.pdf".
 - The file "Summary of Background Art - 09feb21.pdf", treated as applicant remarks supplementing the Background Art section of specification.

The Substance of the Interview

The background information for the interview was faxed to the Examiner before the interview, as including:

- the unofficial draft of applicants response to the 2nd OA (to be amended with interview results),
- the claims amended as required in the 2nd OA,
- and the IDS supplied on SB08 form.

Claims 68-69 and 88-91 were discussed in view of the background art presented mainly by US 6,987,817 (by Reuveni) and inventor arguments & amendments submitted with the draft of response to Last OA:

Re: Claims 88-91

Since such draft of response (in Ad. 20 & 21) shows "a representative set of references, showing compliance with the WDR of 1st paragraph of 35 USC 112":

Claims 88-91 have been reclassified as allowable, subject to eventual Quayle action,

Re: Claims 68-69

In order to expedite prosecution of the present application:

the applicant has canceled claim 68 in the "dspm-sp-formal_repl2-clm-09feb21.pdf", knowing that the subject matter addressed by claim 68 may be pursued and/or addressed within an RCE or Continuation:

Since the claim 69 (amended in compliance with the 2nd OA) has features distinguishing it from US 6,987,817:

the rejection of such claim 69 can be withdrawn (wherein allowable determination is tentative on a search).

Re: Rejection of Background Art amendments

In order to expedite prosecution of the present application:

the applicant has removed such Background Art amendments from the specification, by reversing the Background Art section to that originally filed supplemented with the last 2 paragraphs supported by the required references to the original specification (shown in the marked up version of Background Art filed on 11/19/2007).

However in order to maintain information about the closest background art known; an updated summary of background art presented in applicant previous communications, is attached herein in "Summary of Background Art - 09feb21.pdf" as the part of this replay remarks.

The general thrust of the principal arguments presented to the Examiner included:

- Discussing rejection of amendments of the Background Art section characterizing previous solutions (see Ad. 16-18 in the response draft for greater detail).
- Discussing anticipation of claim 68 by US 6,987,817, based on the 7.33.01 Rejection, 35 U.S.C. 112, 1st Paragraph (see Ad. 8-10 & 23 & 27 in the response draft).
- Discussing non-enabling features of similar parts of previous art and requirements to argue a non-enabling disclosure of such parts of previous art (see Ad.11-12 in the response draft).

Conclusion

Based on the implementation of amendments required in the Last OA and Interview Summary, it is thus respectfully submitted that the invention taught and defined herein by the claims embodies patentable subject matter.

The Examiner is earnestly solicited to give favorable consideration to this application and pass it to allowance.

Respectfully submitted,

By: John W. Bogdan on 21 / February / 2009